

## DELTA PROTECTION COMMISSION

14215 RIVER ROAD  
P.O. BOX 530  
WALNUT GROVE, CA 95690  
PHONE: (916) 776-2290  
FAX: (916) 776-2293



September 15, 1995  
Revised March 15, 1996

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: **Revised** Staff Report and Preliminary Staff Analysis on  
CITY OF RIO VISTA

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Background:

The Delta Protection Act states that within 180 days of the adoption of the regional plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission shall approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone, only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the general plan:

- a. will be consistent with the [Land Use and Resource Management Plan for the Primary Zone of the Delta (Plan)].
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.

- e. will not result in the degradation or reduction of Pacific Flyway habitat.
- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- g. will not expose the public to increased flood hazard.
- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- I. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

City of Rio Vista Submittal:

On January 25, 1996, staff sent a letter to the City Manager (see attached) which outlines actions the City should take to conform to the Delta Protection Act. The City submitted a letter, dated February 29, 1996, and maps which illustrate: lands of the City within the Primary Zone and General Plan designations (Map A); recently annexed lands (Map B), and zoning of those lands (Map C). Also attached to the letter are the zoning regulations indicating the uses allowed in the various zones.

Description of City Lands within the Primary Zone of the Delta:

The City lands within the Primary Zone of the Delta (see attached map) lie northeast of Airport Road including, from north to south, the new airport, an industrial site, the site of the proposed wastewater treatment plant, a closed landfill site, and a trailer park and heavy commercial/light industrial uses along the Sacramento River.

The recently annexed (1995) lands south of the airport are the site for a proposed wastewater treatment plant. The wastewater treatment plant was analyzed by the City in a Draft Environmental Impact Report (DEIR) dated November 1991 and in a Final Environmental Impact Report (FEIR) dated March 1992, and certified on March 4, 1993. The preferred alternative in the FEIR indicates a need for 148 acres for the treatment plant at full build out and additional lands for mitigation measures to: maximize distance between treatment ponds and airport flight paths; locate treatment facilities as far as possible downwind of residential areas; maintain a minimum 800 foot buffer around the treatment facility; and locate treatment facilities and ponds away from the Rio Vista airport terminal and other public buildings.

In January 1995, the Solano County Local Agency Formation Commission approved annexation of an approximately 480 acre site in the Primary Zone into the City for the proposed wastewater treatment plant. Most of the annexation parcel is currently owned by the State Reclamation Board. The lands were declared surplus, and are the subject of a land exchange agreement between the Reclamation Board and the City which was approved and signed in May of 1993. The land exchange has not yet taken place.

#### General Plan Designation of Lands in the Primary Zone of the Delta:

As of January 1, 1992, the General Plan designated some lands in the Primary Zone for the Airport, south of the airport along Airport Road a reserve for Heavy Commercial/Light Industrial, the wastewater treatment plant site, and along the Sacramento River, High Density Residential and for Heavy Commercial/Light Industry (see Map A).

### Zoning Designation of Lands in the Primary Zone of the Delta:

As of January 1, 1992, zoning was as shown on Map C. Zoning in place as of January 1, 1992 included: along the River, a small area of high density residential (trailer park); General and Service Commercial and Industrial uses (heavier commercial and /or lighter industrial uses, such as storage, manufacturing or servicing functions); along Airport Road an area of General Manufacturing Industry for normal operations of almost all industries; and the airport.

The newly annexed lands have not been zoned; the Planning Director indicates those lands will be zoned consistent with the General Plan for use as a wastewater treatment plant.

### Future General Plan Amendments:

The Planning Director indicates regarding the General Plan Amendment consistency criteria "I believe the 11 items you noted in your July 6, 1995 memo to me are appropriate and acceptable to the City and will be considered with any General Plan amendment on development proposal located in the primary zone" (the 11 items are items a through k in the Background section, above).

The staff's July 6, 1995, memo suggested:

If the lands in the Primary Zone are no longer needed for a new sewage treatment plant site, only land uses consistent with the adopted Land Use and Resource Management Plan could be considered, and

The City should develop and [adopt] criteria describing how possible General Plan amendments for the lands in the Primary Zone will be addressed.

The staff's January 25, 1996 letter requests submittal of:

Proposed language to ensure that future changes to the City General Plan or zoning ordinance shall conform to the adopted Land Use and Resource Management Plan for the Primary Zone of the Delta.

General Plan Amendments Proposed by the City:

The City submittal does not include any General Plan amendments.

Analysis in Comparison with the Commission's Adopted Plan:

Two policies in the Plan specifically apply to lands in the Primary Zone within the City of Rio Vista:

Land Use Policy P-5: Local government General Plans shall address criteria under which General Plan amendments in the Primary Zone will be evaluated. Proposed amendments to local government General Plans for areas in the Primary Zone shall be evaluated in terms of consistency of the overall goal and program of the Delta Protection Commission.

Agriculture Policy P-12: Where portions of Cities are located within the Primary Zone, Cities shall indicate zoning which was in place on January 1, 1992. Future changes to City General Plans or zoning ordinances shall conform to the adopted Land Use and Resource Management Plan.

In addition, during the preparation of the Plan the Commission studied information regarding the City's plans to construct a new wastewater treatment plant in the Primary Zone. The Commission determined that plans for the use of the wastewater treatment site were started in early 1991, and were underway well before the Legislature passed the Delta Protection Act in 1992 and the Governor signed the Act into law in October of 1992. The DEIR was dated and circulated in November 1991. The FEIR, dated March 1992, was certified in March of 1993.

The Commission "grandfathered" the project in Utilities and Infrastructure Policy P-3 (P-3); P-3 was the subject of a lawsuit and has been set aside and is unenforceable. The

Commission is currently processing a regulation and amendment to the Plan which would add the language in Utilities and Infrastructure P-3 into the Plan. Public hearings on the proposed regulation and amendment are scheduled for March and April, with a vote tentatively scheduled for April 25, 1996.

The City's proposed project was taken into consideration and included in the Commission's Plan as adopted in February 1995. The City has continued to pursue the proposed wastewater treatment plant project, relying on the Commission's adopted position on this project.

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

The Commission is required to identify any potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning and environmental documents.

The City's proposed action would have no additional environmental impact beyond those outlined in the environmental analysis which was prepared in support of the Commission's adoption of the resource management plan in February of 1995.

Preliminary Staff Analysis:

The Plan allows lands designated and zoned as of January 1, 1992 to remain as currently designated by local governments; the City has submitted the required information about land uses for lands in the Primary Zone as of January 1, 1992.

Some lands in the Primary Zone were recently annexed into the City with the intention for their use as a wastewater treatment plant. The City's plans for this use at this location were begun several years ago, well before the Delta Protection Act was signed into law. The Commission considered this situation and acknowledged this proposed use in the Primary Zone as part of the Commission's adopted Plan. As adopted in February 1995.

The Commission's concerns are thus focused on two issues: (1) possible future uses of the recently annexed lands in the Primary Zone if in the future the lands are no longer needed for a wastewater treatment plant, and (2) possible future general plan amendments for lands designated as of January 1, 1992.

The City has not proposed a General Plan amendment to ensure that future uses on the recently annexed lands in the Primary Zone (other than the proposed wastewater treatment plant) will conform to the Commission's Plan.

To meet this requirement, the City should adopt a new General Plan policy. Such a policy would state:

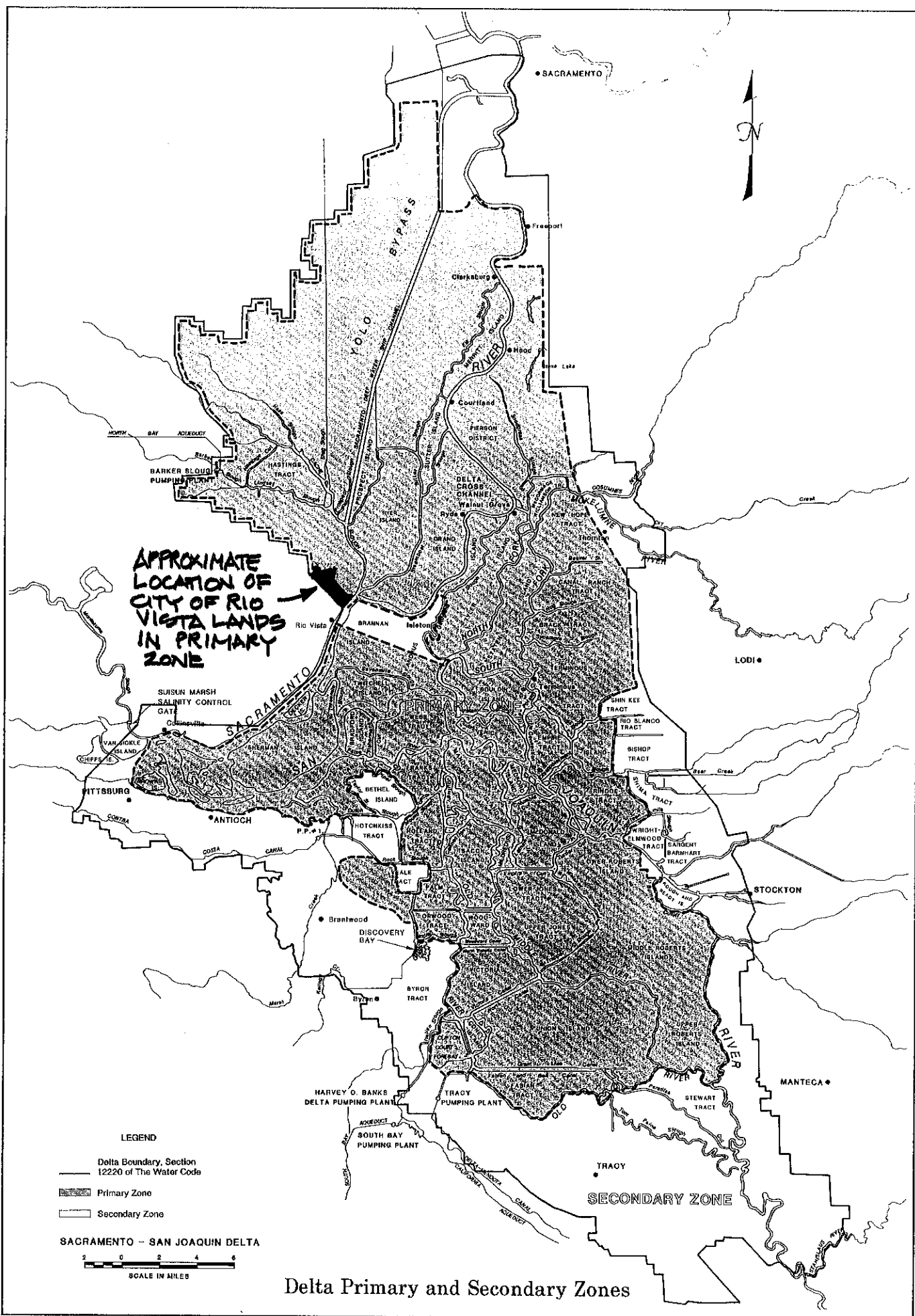
If the lands in the Primary Zone annexed in 1995 are no longer needed for a new sewage treatment plant, only land uses consistent with the adopted "Land Use and Resource Management Plan for the Primary Zone of the Delta" could be considered.

Or, the City could adopt a more general policy like the policy adopted by Solano County which states:

All public and private management and development activities within the Primary Zone of the Delta shall be consistent with the goals, policies, and provisions of the "Land Use and Resource Management Plan for the Primary Zone of the Delta" as adopt and as may be amended by the Delta Protection Commission.

Regarding lands in the City and designated in the General Plan as of January 1, 1992, adoption of the more general policy (above) would address issues of future use, or the City could develop other criteria for General Plan amendments for lands in the Primary Zone.

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## DELTA PROTECTION COMMISSION

14215 RIVER ROAD  
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WALNUT GROVE, CA 95690  
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January 25, 1996

City of Rio Vista  
P.O. Box 745  
Rio Vista, CA 94571-0745

Attention: Larry Profit, City Manager

Subject: City of Rio Vista Submittal Under the Delta  
Protection Act of 1992

Dear Mr. Profit:

As we discussed on the phone on January 16, 1996, the Delta Protection Act of 1992 (Act) requires that within 180 days of the adoption of the Delta Protection Commission's (Commission) regional plan for the Delta, all local governments with lands in the Primary Zone must submit a plan showing how the City's General Plan will be made consistent with the Commission's regional plan for lands in the Primary Zone (Public Resources Code Section 29763).

The Commission adopted its regional plan, the Land Use and Resource Management Plan for the Primary Zone of the Delta, on February 23, 1995. The 180th day therefore was August 22, 1995.

As I discussed with Karl Wandry, the Community Development Director, last year, some lands in the City of Rio Vista, including lands newly annexed for the site of the proposed sewage treatment plant, are in the Primary Zone of the Delta.

The City should submit the following information:

- \* a map showing the lands of the City within the Primary Zone.
- \* a map with the General Plan designations for those lands as of January 1, 1992.
- \* a map with the Zoning designations for those lands as of January 1, 1992.
- \* a written description of the uses allowed under those designations.

\* a written description of the uses proposed for the lands which have been recently annexed into the City, but do not yet have General Plan or zoning designations.

\* Proposed language to ensure that future changes to the City General Plan or zoning ordinance shall conform to the adopted Land Use and Resource Management Plan for the Primary Zone of the Delta.

Under the Act, the City's submittal must be reviewed and approved by the Commission. Then, any necessary General Plan amendments would proceed. If General Plan amendments are proposed, they are exempted from California Environmental Quality Act, through language in the Act (Public Resources Code Section 21080.22(a) and (b)).

The Commission is concerned that the City has not yet submitted its required proposal and urges full and prompt compliance with the Act. I would like to meet with you to discuss the Commission and the Act. Please call me at your convenience to set up a meeting in your offices.

Sincerely,

A handwritten signature in cursive script, reading "Margit Aramburu", followed by a horizontal line.

Margit Aramburu  
Executive Director

cc: Karl Wandry, Community Development Director  
Supervisor Skip Thomson



# CITY OF RIO VISTA

One Main Street

P.O. Box 745

RIO VISTA, CALIFORNIA 94571-0745

February 29, 1996

**COUNCIL**707-374-6451  
707-374-5063 FAX**MAYOR**

Jerry Rubier

**MAYOR PRO TEMPORE**

Helen Madere

Curt Brown

Fred Harris

Matthew Bidou

**CITY MANAGER****POLICE CHIEF**Larry Profitt  
707-374-6451**CITY CLERK**Anita Reineke  
707-374-6451**CITY TREASURER**Harry Lauritzen  
707-374-6451**CITY ATTORNEY**Jon Blegen  
707-374-6417**FIRE CHIEF**Keith Tadewald  
707-374-2233**PUBLIC WORKS SUPT.**Donald DeSilva  
707-374-6747**AIRPORT MANAGER**Keith Turner  
707-374-2716

Margit Aramburu  
Executive Director,  
Delta Protection Commission  
14215 River Road  
P.O. Box 530  
Walnut Grove, California 95690

SUBJECT: CITY OF RIO VISTA 'SUBMITTAL

Dear Margit:

In response to your January 25, 1996, letter to Larry Profitt and our subsequent telephone conversation, I am enclosing the following materials:

- Map showing the lands of the City within the Primary Zone (Map A&C)
- Map showing the General Plan Designations for those lands as of January 1, 1992 (Map)
- Map showing the Zoning of those lands as of January 1, 1992 (Map C)
- Map of recently annexed lands (Map B)
- Copies of Zoning regulations indicating the uses allowed in those zones.

The recently annexed land indicated on Map C carries a Land Use Designation of Heavy Commercial/Light Industrial along it's Airport Road frontage to a depth of approximately 1500 feet. The remaining of the land is designated for a Sewage Treatment Plant use. The property was not prezoned prior to annexation. It is anticipated that the newly annexed lands will be zoned to reflect the General Plan Land Use designations.

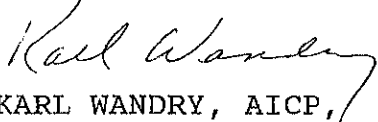
Regarding the General Plan Amendment consistency criteria, I believe the 11 items you noted in your July 6, 1995, memo to me are appropriate and

acceptable to the City and will be considered with any General Plan Amendment on development proposal located in the primary zone. Your 1995 draft adequately addresses the background information relative to City lands located in the primary zone.

Again, my apologies for the lateness of this information.

Please advise if you should need additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karl Wandry".

KARL WANDRY, AICP,  
Community Development Director

KW/vs

Enclosure

CITY OF  
RIO VISTA

**PROPOSED**

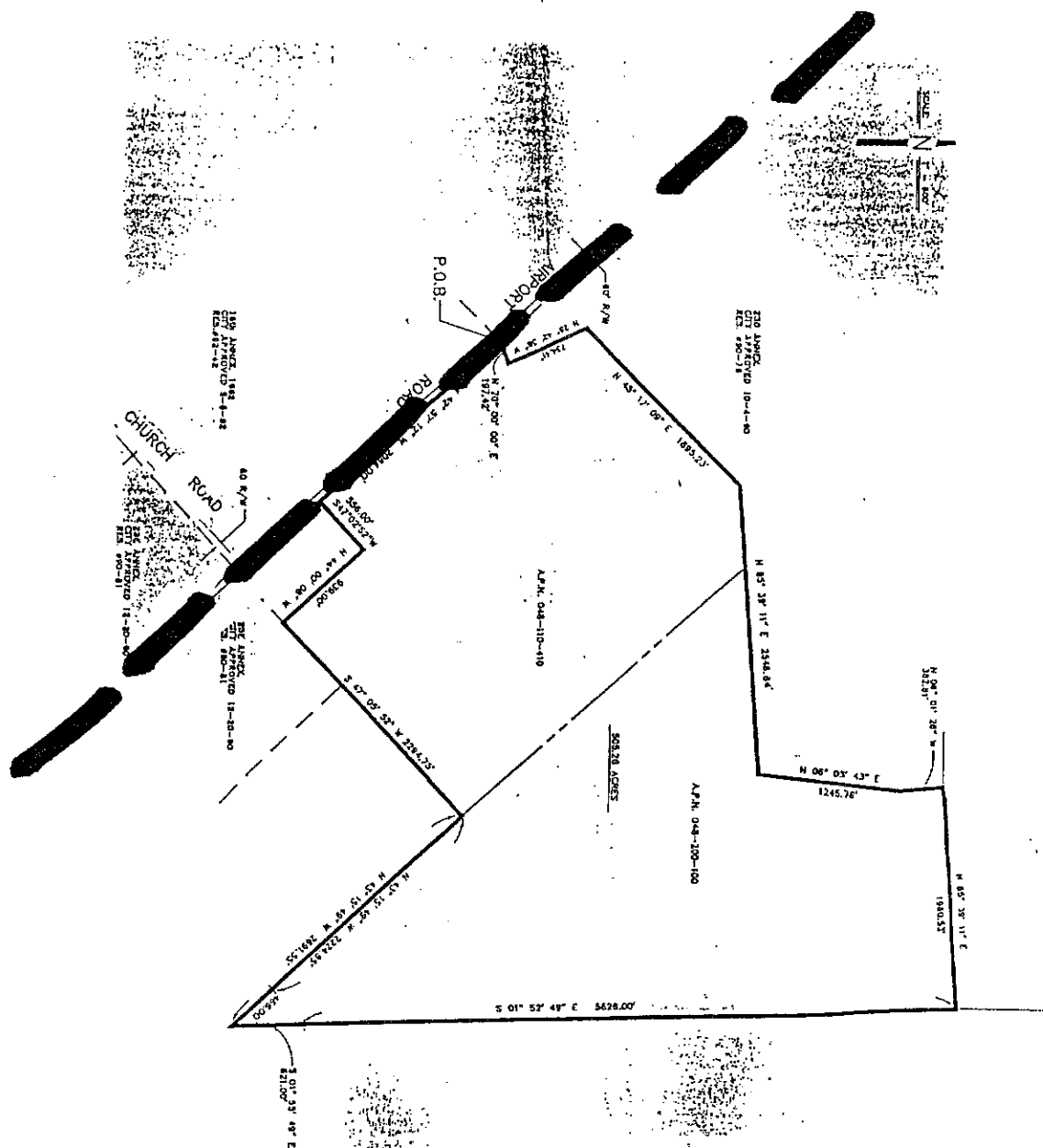
- |             |         |             |                |              |                       |            |            |                   |        |         |              |          |              |                  |             |             |                |             |                 |         |                   |
|-------------|---------|-------------|----------------|--------------|-----------------------|------------|------------|-------------------|--------|---------|--------------|----------|--------------|------------------|-------------|-------------|----------------|-------------|-----------------|---------|-------------------|
| RESIDENTIAL | ESTATES | LOW DENSITY | MEDIUM DENSITY | HIGH DENSITY | COMMERCIAL/INDUSTRIAL | COMMERCIAL | INDUSTRIAL | HEAVY COMM/LT IND | PUBLIC | SCHOOLS | FIRE STATION | CEMETARY | RECREATIONAL | PARKS/OPEN SPACE | GOLF COURSE | CIRCULATION | ARTERIAL ROADS | MAJOR ROADS | COLLECTOR ROADS | FREEWAY | GPA PLANNING AREA |
| 1           | 2       | 3           | 4              | 5            | 6                     | 7          | 8          | 9                 | 10     | 11      | 12           | 13       | 14           | 15               | 16          | 17          | 18             | 19          | 20              | 21      | 22                |

## PROPOSED LAND USE



Prepared by K&A ENGINEERS San Francisco

EXHIBIT 3-1



# MAP OF ANNEXATION

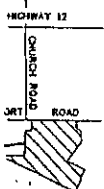
TO THE  
CITY OF RIO VISTA,  
COUNTY OF SOLANO,  
STATE OF CALIFORNIA

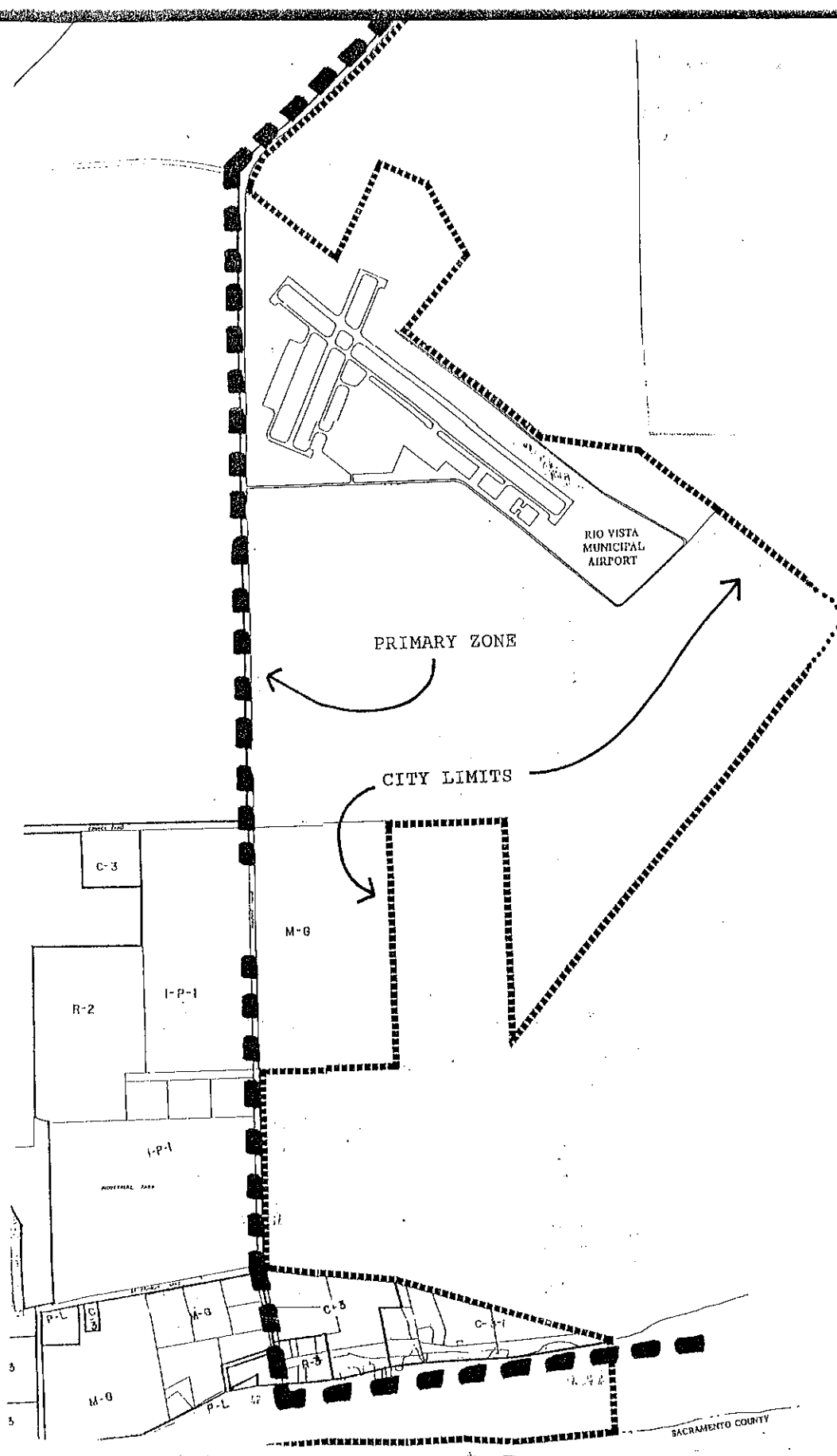
OCTOBER, 1984

**DILLON & MURPHY**  
PROFESSIONAL PLANNING SERVICES  
1420 K. RITLAND LANE, SUITE E  
1008, CAUCUS, 95622  
(916) 354-4413

## LEGEND

- PROPOSED BOUNDARY
- ANNEXATION
- A.P.N. ACCESSORIAL PARCEL NUMBER
- P.O.B. POINT OF BEGINNING
- EXISTING ANNEXATION LINE





ZONING MAP  
CITY OF RIO VISTA

- ~~H. Minimum front yard required: Twenty (20) feet.~~
  - ~~I. Minimum side yard required: A total of ten (10) feet with a minimum of four (4) feet on one side.~~
  - ~~J. Minimum rear yard required: Twenty (20) percent of the lot depth to a maximum requirements of twenty-five (25) feet, provided that no rear yard shall be less than fifteen (15) feet.~~
  - ~~K. Parking: A minimum of one (1) off-street covered parking space shall be provided for each dwelling unit, except that no parking space shall be located in any required front or side yard. Triplex shall provide four covered parking spaces.~~
  - ~~L. Relationship to abutting alley: Whenever a second dwelling is proposed to be located on a lot which abuts only one street, and it will be located so that it will be adjacent to an alley, all of the following conditions shall be met prior to the issuance of any permit for such dwelling.~~
    - ~~1. If a building exists, or is subsequently built, on the front portion of the property, there must be provided an access yard from the front of the lot to the proposed dwelling of not less than ten (10) feet, such yard to be improved for pedestrian access to the rear dwelling.~~
    - ~~2. Such dwelling shall be oriented so that its primary pedestrian access is from the front (street side) of the property.~~
  - ~~M. Architectural approval is required for all uses in the R-2 District except single-family dwellings which shall be reviewed in accordance with the procedures contained in subsection H of Section 402.~~
- (Ord. 411; Ord. 438)

Sec. 404. Residential High Density or R-3 District.

- A. The R-3 District is designated in certain areas primarily for high-density residential uses of a multiple dwelling nature and the community services appurtenant thereto. The regulations for this district are designated to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life.
- B. Uses permitted:

1. One-family dwellings or mobile homes which meet the definition of a one-family dwelling stated in subsection 22 of Section 201 but not including tents or recreational vehicles. (Ord. 411)
  2. Duplexes, triplexes.
  3. Multiple dwellings, dwelling groups, rooming and boarding houses, lodges, clubs, rest homes, with the exception of S-D District.
  4. Signs not exceeding six (6) square feet in area, for each dwelling site advertising the sale or lease of property upon which displayed. Nameplates, appurtenant to any permitted use, may not exceed two (2) square feet in area and must be mounted flat against the face of the building.
  5. Building and uses clearly accessory or incidental to any permitted use. (Ord. 377).
- C. Uses permitted provided the conditions for a Use Permit as set forth in Section 606 are fulfilled:
1. Lodges, fraternal organizations and clubs, except those operated as a business for profit; subject to the provisions of Section 406.
  2. Automobile parking lots when appurtenant to any permitted use in the district, or when adjacent to any C or M District.
  3. Tract office for a period to be specified in the Use Permit.
  4. Temporary sign not over two hundred (200) square feet advertising the sale of a subdivision.
  5. Nursing home, rest home.
  6. Park, playground, library, museum.
  7. Fire house, school nursery school, church, welfare institution.
  8. On-site signs.
  9. Commercial recreation facilities as indicated on General Plan Map.
  10. Mobile home parks. (Ord. 377)

Sec. 408. General and Service Commercial and Industrial or C-3-I District

A. The C-3-I District is intended to provide for heavier commercial and/or lighter industrial uses. Such uses are generally incompatible with retail or highway district areas, but perform important storage, manufacturing or servicing functions. Light industrial uses are allowed because of the need for small industries in the Rio Vista area and because the characteristics of the permitted light industrial uses are likely to be similar to the permitted commercial uses.

The uses permitted in this district often create some objectionable influence such as noise and larger volume of truck traffic but are essential uses in the urban economy. The lands for these Districts have therefore been located north-east of Airport Road near arterial traffic routes, the planned new Highway 12 off-ramp and a new railway line.

Since smaller lots are sufficient for certain uses, two zones are established for minimum 7,500 square feet lots (C-3) and one acre lots (I-Zone) and larger serving the limited industrial uses. The small and big lots should not be mixed but planned in compatible groups.

B. Uses permitted:

1. Wholesale business, storage, or warehousing.
2. Automobile, truck, trailer, boat, and farm implement establishments, including major repair facilities; automobile service stations.

3. Building material sales yards, including concrete mixing.
4. Corporation yards, and storage, rental and sale of heavy equipment commonly used by contractors.
5. Animal hospitals and veterinary clinics.
6. Cabinet shops, electrical, plumbing, and heating shops, printing, bookbinding, publishing, or lithographic shops, mortuaries, crematoriums or columbariums, and furniture upholstering shops.
7. Bakeries, creameries, soft drink bottling plants, laundries and cleaning and dyeing establishments.
8. New and used car sales and rentals, boat and trailer sales and rentals, greenhouses and restaurants.
9. Accessory uses and buildings customarily appurtenant to a permitted use.
10. The following only when conducted within a building or enclosed within a solid wall or fence of a type approved by the Planning Commission, not less than six (6) feet in height:
  - a. Body and fender repair shops.
  - b. Auto painting shops.
12. On-site advertising signs provided they:
  - a. Are nonflashing, nonscintillating, or otherwise animated or moving.
  - b. Do not overhang the public right-of-way.
  - c. Are approved by the Architectural Committee.
13. Outdoor sale or display of products:
  - a. Developed sites: The outdoor sale or display of products at a developed site including sidewalk or parking lot sales, which are composed of the normal inventory of the permanent, on-site use of the site, shall be allowed. A permit for such use shall expire, subject to renewal, on the

last day of December of the calendar year within which it was issued.

- b. Undeveloped sites: Temporary outdoor sale or display of products on undeveloped sites shall be allowed. Said use shall be limited to a maximum of five (5) consecutive days, with a minimum time period of ninety (90) days between such use.
  - c. Seasonal Christmas tree and pumpkin lot sales shall be allowed.
  - d. Administrative approval of the outdoor sale or display of products shall be in writing and shall be conditioned upon the following findings being made:
    - 1. The proposed use will not unreasonably impair pedestrian or vehicular access or parking in the area;
    - 2. The proposed use includes provisions for adequate security and safety to the general public;
    - 3. The proposed use will not unreasonably impair the operation of any other residential, commercial or industrial use of the area;
    - 4. The proposed use is properly insured for general liability and property damage with the City of Rio Vista being named as an additional insured;
    - 5. All other necessary permits and/or licenses for the proposed use have been obtained and all necessary inspections made. (Ord. No. 422)
- C. Uses permitted provided findings as required in the Use Permits Section of this Ordinance have been met:
- 1. Restaurant.
  - 2. Automobile service station.
  - 3. Public utility buildings and service yards.
  - 4. Public and quasi-public uses.

5. Outdoor storage when completely screened from view from a public street or highway. The outdoor storage area shall be permitted only if it is accessory to a permitted use.

D. Area and yard standards:

Sec. 411. General Manufacturing Industry or M-G District.

A. The purpose of the M-G District is to permit the normal operations of almost all industries, subject only to those regulations needed to control congestion and to protect the surrounding area or adjoining premises. The two size designations are designed to provide a differentiation between an intensive and an extensive type of development. (1/2 acres and 3 acres).

B. Uses permitted:

1. Manufacturing, processing, disassembling and assembling and storage of products and materials, railroad, airport and other transportation uses, removal of natural materials; provided, that such uses are not or will not be offensive by reason of the creation or emission of dust, gas, smoke, fumes or other air pollutants, noise, vibrations, odors, liquid or solid refuse or wastes, radioactivity, glare, fire or explosives; and provided further, that prior to the issuance of a zoning-building permit, the planning commission may require evidence that adequate controls, measures or devices will be provided to meet performance standards for this zone, as provided in Section 515, all to insure and protect the public interest, health, comfort, convenience, safety and general welfare.
2. Agriculture; except, that those uses indicated in subsection C of this section may be established only after a Use Permit shall first have been secured.
3. Farm dwellings on parcels of twenty acres or more.
4. Accessory uses appurtenant to any permitted use.
5. On-site sign appurtenant to any permitted use.
6. Sign advertising the sale or lease of property upon which displayed.

C. Uses permitted, provided the conditions for a Use Permit are fulfilled:

1. Junk yard, wrecking yard.
2. Dumping, disposal, incineration or reduction of refuse.
3. Public service facility and public utility uses.
4. General advertising sign.
5. Animal feed yard, animal sales yard, animal stockyard, hog farm.
6. Service uses appurtenant to any permitted use.

(Ord. 330)